

Notice of Allowability

Application No.

09/469,575

Examiner

David L. Vanik

Applicant(s)

ALI ET AL.

Art Unit

1615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/8/2005.
2. ☒ The allowed claim(s) is/are 6,9,11-13 and 15.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

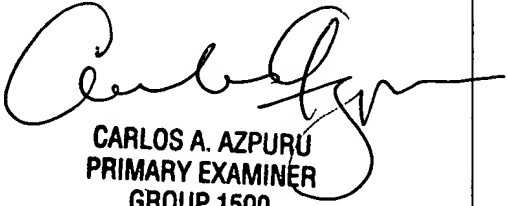
* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 3/7/2006
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


CARLOS A. AZPURÚ
PRIMARY EXAMINER
GROUP 1500

DETAILED ACTION

Receipt is acknowledged of the Applicant's Arguments and Remarks and Amended Claims filed on 8/8/2005.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Steve Sand on 11/8/2005.

The application has been amended as follows:

1. Claims 1-5, 7-8, 10, and 14 have been cancelled.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance: The prior art does not teach or fairly suggest a composition or a method of using said composition **consisting essentially of** the following:

- (1) at least 0.01% to about 10% of a dialkali metal tetraborate n-hydrate wherein

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n is an integer from 0 to 10,

(2), 0.1% to 3% of a water dispersible acrylic emulsion polymer having an acid number from about 75-500 and an average molecular weight of about 500-20,000,

(3) 1-25% water soluble/dispersible volatile solvent,

(4) and at least 75% water.

It should be noted that the closest prior art appears to be US 5,183,655 ('655).

'655 disclose a composition for deodorizing animal waste comprising 0.003-50% pine oil and 0.06-50% of a borate-based compound, such as borax, in a liquid dispersion (Claim 1). Specifically, as set forth in Example 1, the composition advanced by '655 comprises over 75% of water, 15.0% of boric acid (equivalent to 0.097% borax), surfactants, 2.7% of a solvent, and pine oil (column 6, lines 35-48 and Claims 1-2). Borax decahydrate can be used as the as the dialkali metal tetraborate n-hydrate (column 4, line 42).

However, unlike the instant amended Claims 6 and 11, '655 does not teach or fairly suggest a water dispersible acrylic emulsion polymer having an acid number from about 75-500 and an average molecular weight of about 500-20,000. As such, the instant Claims 6, 9, 11-13, 15 are distinguished over the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

CONCLUSION

1. Claims 6, 9, 11-13, and 15 are allowed.

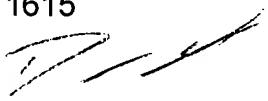
Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David L. Vanik whose telephone number is (571) 272-3104. The examiner can normally be reached on Monday-Friday 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thurman Page can be reached on (571) 272-0602. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

David Vanik, Ph.D
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11/9/2005